(1)

(3)

CF-2004

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**W. P. NO. 145 OF 2004**

**PETITIONERS**

1. RAMPAL KASHYAP, S/O SHRI AVSAAN KASHYAP, AGED ABOUT 65 YEARS.

2. HANUMAN KASHYAP @ SURAJ S/O NANDLAL KASHYAP, AGED ABOUT 29 YEARS.

THE ABOVE NAMED PETITIONERS ARE RESIDENT OF NEAR DEVAN CHAAL, CHINGRAJPARA, TAHSIL AND DISTRICT BILASPUR, (C.G.).

P. R. No. 1772-04
Presented by Shri Ashutosh Singh
dated 16.08.04

VERSUS

**RESPONDENTS** :

1. STATE OF CHHATTISGARH, THROUGH: THE SECRETARY, REVENUE DEPARTMENT, D.K.S. BHAWAN RAIPUR, (C.G.).
2. THE COLLECTOR, DISTRICT BILASPUR, (C.G.)
3. THE TAHSILDAR, BILASPUR TAHSIL AND DISTRICT BILASPSUR, (C.G.).
4. MUNICIPAL CORPORATION BILASPSUR THROUGH: THE COMMISSIONER, BILASPUR.
5. RAMASHRAYA, S/O SHRI AVSAAN KASHYAP, AGED ABOUT 40 YEARS,

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Clerk to A. G. Bilaspur

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6. RAMAVATAR S/O SHRI AVSAAN, AGED ABOUT 68 YEARS.

THE ABOVE NAMED RESPONDENT NO. 5 AND 6 ARE RESIDENT OF CHINGRAJPARA, TAHSIL AND DISTRICT BILASPUR, (C.G.).

**WRIT PETITION UNDER ARTICL 226 OF THE CONSTITUTION OF INDIA**

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(91)

# आदेश पत्रक

मामला क्रमांक W.P. No.145/ सन् 2004

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**07.05.2004**

Shri R.M. Pandey, counsel for the petitioners.

Shri Vinod Shrivastava, Govt. Advocate for respondents No.1 to 3.

Shri Sanjay K. Agrawal and Shri Prateek Sinha, counsel for respondent No.4.

Application for urgent hearing is allowed.

With the consent of the parties, the matter is finally heard.

It is submitted that show cause notice has been issued by the Tehsildar to the petitioners on the ground that they have encroached upon the land belonging to the Government and they have been directed to appear before the Tehsildar.

It is contended by the State counsel that without filing reply to the show cause notice before the Tahsildar, the petitioners rushed to this Court and this petition against show cause notice is not maintainable.

Shri Sanjay K. Agrawal, counsel for respondent No.4 also contends that show cause notice has been issued to the petitioner and the petitioner may raise all those objections / grounds by filing reply before Tehsildar and the Tehsildar shall decide the matter in accordance with law. He further relied on a judgment reported in JT 2004(1) SC 206 (The

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(92)

## आदेश पत्रक

मामला क्रमांक ..... सन् 200

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| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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Special Direction and Anr. Vs. Mohd. Ghulam Ghouse and Anr.)

Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, let the reply be filed by the petitioner raising the objections / grounds mentioned herein before the Tehsildar and if the reply is filed, it shall be considered and decided after giving opportunity of hearing, on its own merits in accordance with law.

With this observation, this petition stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge